

ADAMS, J.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

JOSEPH F. WILLITZER,	)	CASE NO. 3:06CV0634
	)	
Petitioner,	)	
	)	JUDGE JOHN R. ADAMS
v.	)	
	)	<u>MEMORANDUM OF OPINION</u>
JESSE WILLIAMS, Warden,	)	<u>AND ORDER RE: DISMISSING</u>
	)	<u>PETITIONER'S APPLICATION FOR</u>
Respondent.	)	<u>WRIT OF HABEAS CORPUS</u>
	)	[RESOLVING DOCS. 10 and 14]

On March 20, 2006, petitioner *pro se* Joseph F. Willitzer's Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 was filed in this Court. The Petition alleges one (1) ground for relief which challenges the constitutional sufficiency of the petitioner's conviction and sentence for one count of possession of cocaine and two counts of trafficking in cocaine.

On September 22, 2006, the petitioner's Motion for the Appointment of Counsel (Doc. 10) was filed in this Court.

The Court referred the above-entitled case to Magistrate Judge Patricia A. Hemann for preparation of a report and recommendation pursuant to 28 U.S.C. § 636 and Local Rule 72.2(b)(2). *See* Order (Doc. 4). The magistrate judge submitted a Report and Recommendation (Doc. 12) recommending that the Petition be denied as time-barred under the Antiterrorism and Effective Death Penalty Act ("AEDPA"), 28 U.S.C. § 2244(d). The Report and Recommendation also recommended that the motion be denied as moot. Petitioner filed objections to the recommendation that the Petition be denied (Doc. 14).

The Court has reviewed the report and recommendation of the Magistrate Judge, *de novo*. The Court finds that the report and recommendation is well-supported and that the petitioner's objections are without merit. Further, the Court sees no need to conduct an evidentiary hearing. Therefore, the report and recommendation of the Magistrate Judge is hereby ADOPTED and the petitioner's objections are OVERRULED. Joseph F. Willitzer's Petition for a Writ of Habeas Corpus will be dismissed as barred by 28 U.S.C. § 2244's statute of limitations. Petitioner's Motion for the Appointment of Counsel (Doc. 10) is DENIED AS MOOT.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. §2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

August 30, 2007  
Date

/s/ John R. Adams  
John R. Adams  
U.S. District Judge